

REMARKS

Claim Amendments

Claims 14-16 and 18 have been canceled.

Claims 7-10 and 12 have been amended to delete the recitations related to analogs. Claims 10 and 12 have been amended to correct a typographical error. No new matter has been added.

Priority

The Examiner states that Application No. 60/443,728 ("the '728 Application") fails to provide written description of erastin B (recited in claims 7-10, 12, 14-16 and 18). Applicants respectfully disagree. The structure of erastin B can be found on page 83 of the '728 Application, as well as in claims 2 and 4. In addition, erastin B is recited in claims 2 and 3 of Application No. 60/457,401, filed March 25, 2003. Thus, all pending claims are entitled to the benefit of the '728 Application. Correction of the record is respectfully requested.

Rejection of Claims 7-10, 12, 14-16 and 18 Under 35 U.S.C. § 112, First Paragraph

Claims 7-10, 12, 14-16 and 18 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that the application fails to describe a "representative number" of analogs of erastin or erastin B.

In order to expedite prosecution, the recitation of "analog" has been canceled from the claims, thereby rendering the rejection moot. Withdrawal of the rejection is respectfully requested.

Rejection of Claims 7-9, 14-16 and 18 Under 35 U.S.C. § 112, First Paragraph

Claims 7-9, 14-16 and 18 are rejected under 35 U.S.C. § 112, first paragraph, as not meeting the enablement requirement. The Examiner states that the claims are enabled for a method of killing tumor cells *in vitro*, but not for a method of treating or preventing cancer in an individual.

In order to expedite prosecution, claims 14-16 and 18 have been canceled, thereby rendering the rejection moot with respect to these claims.

With respect to claims 7-9, the Examiner has not provided any evidence as to why the data presented in the specification do not have a *reasonable* correlation to the claimed method. Claims 7-9 are directed to inducing cell death, and not to the clinical efficacy of the recited compounds. As such, the reference cited by the Examiner (WO 02/40717) is inapplicable to these claims. The Examiner is hereby reminded that Applicants need not present *in vivo* data, so long as the *in vitro* data have a reasonable correlation to the claimed method. As the Examiner acknowledges, the specification does demonstrate inducing cell death.

Reconsideration and withdrawal of the rejection is respectfully requested.

Rejection of Claims 7-9 Under 35 U.S.C. § 102(a)

Claims 7-9 are rejected under 35 U.S.C. § 102(a) as anticipated by Dolma *et al.* (Cancer Cell 3:285-296 (March 2003)). As discussed above, claims 7-9 have an effective filing date of January 29, 2003. Accordingly, Dolma *et al.* is not available as a reference. Withdrawal of the rejection is respectfully requested.

Rejection of Claims 10 and 12 Under 35 U.S.C. § 102(b)

Claims 10 and 12 are rejected under 35 U.S.C. § 102(b) as anticipated by Goldmann *et al.* (WO 01/68641). The Examiner states that the compound represented by structure 76 is an analog of both erastin and erastin B. Claims 10 and 12, as amended, do not recite analogs of erastin and erastin B, thereby rendering the rejection moot. Withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response, other than the fee associated with the Petition for Extension of Time. However, if an additional fee is due, please charge our Deposit Account No. 18-1945, from which the undersigned is authorized to draw, under Order No. WIBL-P01-011.

Dated: August 27, 2007

Respectfully submitted,

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